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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,414	12/14/2000	Rabindranath Dutta	AUS9000687US1	8776
35617	7590	02/07/2005		
DAFFER MCDANEIL LLP P.O. BOX 684908 AUSTIN, TX 78768				
EXAMINER BRIER, JEFFERY A				
ART UNIT 2672		PAPER NUMBER		

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/736,414

Applicant(s)

DUTTA, RABINDRANATH

Examiner

Jeffery A Brier

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Please refer to page 2. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Jeffery A Brier
Primary Examiner
Art Unit: 2672

Response to Amendment

1. The after final amendment filed on 1/20/2005 is a poor quality fax and it has many areas that are difficult to read especially in the areas where there is underlining. Applicant is encouraged in response to this action to provide a better quality fax or mail the response.

2. The after final amendment filed on 1/20/2005 raises the following new issues:

Claim 13 raises a 112 issue. The overlaying step implies the overlaying occurs in the first computer rather than the third computer because this step claims the second vector graphics image is obtained from the second computer coupled to the first computer by a network. Dependent claim 14 does not correct the above noted deficiencies in parent claim 13.

Claim 17 is acceptable up to the last two lines. The last two lines claim the client computer receives the web page, the first vector graphics image, and the second vector graphics image. The client browser in the first embodiment, see page 15 line 24 to page 16 line 14, GETS the GGIF image 104 and the SVG image 106 from the web server. However, in place of the original primary SVG image (item 82 in Fig. 4), his browser displays the modified version of the image containing the virtual advertisement inserted by the web server. Thus, the client does not receive both the first original vector graphics image and the second vector graphics image. It only receives the modified vector graphics image from the claimed first computer (described web server) after the editor in the first computer has inserted instructions from the second vector

Art Unit: 2672

graphics image file into the first vector graphics image file. Dependent claim 32 does not correct the above noted deficiencies in parent claim 17.

Claim 18 has several 112 issues.

The first issue. This claim claims in the last three lines the client computer receives the web page, the first vector graphics image, and the second vector graphics image. The client browser in the second embodiment, see page 16 last paragraph, obtains the bit-mapped image 124 from the web server, and the modified SVG image 126 from the ad server. Thus, the client does not receive both the first original vector graphics image and the second vector graphics image. It only receives the modified vector graphics image from the claimed second computer (described ad server) after the editor in the second computer has inserted instructions from the second vector graphics image file into the first vector graphics image file.

The second issue. The overlaying step implies the overlaying occurs in the first computer rather than the second computer because this step claims the second vector graphics image is obtained from the second computer coupled to the first computer by a network.

The third issue. The description of the second embodiment does not use the word editor. At page 16 line 24 the specification states "the ad server edits its copy of the primary SVG image file 122". It does not state a specific mechanism for performing the editing, such as an editor.

Dependent claim 33 does not correct the above noted deficiencies in parent claim 18.

Art Unit: 2672

Claims 1, 2, 8-14, 17, 18, 32, and 33 all claim inserting instructions from the second graphics image file into the first graphics image file. However, the specification did not describe inserting instructions. As stated in the final rejection at page 4 lines 2-6 the specification at page 17 line 18 to page 18 line 2 discusses the three embodiments as an editor that draws, this is different than inserting instructions from one file into another file, a first image and a second image from dissimilar executions units'/storage devices and compiles one image onto the other, this also is different than inserting instructions from one file into another file. However, it is noted that original claim 7 claimed inserting instructions from the second file into the first file and original claim 16 claimed an editor to insert instructions from the second file into the first file. Therefore, in view of the differences between the specification and the original claims, the claims do not clearly define what applicant is actually claiming as the invention.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is 703-305-4723 until the move and after the move the telephone number will be 571-272-7656. The examiner can normally be reached on M-F from 6:30 to 3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

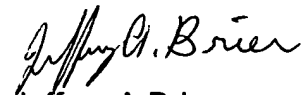
Art Unit: 2672

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Jeffery A Brier
Primary Examiner
Art Unit 2672

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